

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ANGEL MORALES,

Petitioner,

vs.

B.R. JETT, Warden,

Respondent.

)
)
)
)
)
)
)

1:08-cv-786-SEB-JMS

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The petitioner's motion for expedited consideration of his petition for a writ of habeas corpus relief is **granted**.

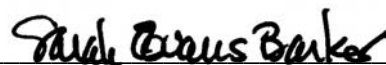
2. The petitioner's petition for a writ of habeas corpus (dkt 1) is also **granted**. This decision is based on the pleadings, the United States' position in the matter—that "the respondent has no opposition to petitioner Morales being granted the relief he seeks in his instant petition for a writ of habeas corpus"—and on the decision in *United States v. Santos*, 128 S. Ct. 2020 (2008), which has a direct and unequivocally clear effect in this instance: the petitioner is legally innocent of the offense to which he pled guilty.

3. The continued detention of the petitioner is unwarranted. A writ of habeas corpus shall issue commanding his **unconditional release** from the sentence imposed in the United States District Court for the Northern District of Indiana in No. 2:96 CR 44. The conviction in that case is **vacated**.

4. The Marshal for this District or his Deputy shall serve a copy of this Entry and the accompanying Judgment and Writ of Habeas Corpus on the respondent or the respondent's designee at the expense of the United States as soon as these materials are placed in the hands of the Marshal for such service.

IT IS SO ORDERED.

Date: 06/16/2008



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Office of the United States Attorney
10 West Market Street Suite 2100
Indianapolis, IN 46204-3048

Joseph C. Chapelle
BARNES & THORNBURG LLP
joe.chapelle@btlaw.com

Gerald A. Coraz
UNITED STATES ATTORNEY'S OFFICE
gerald.coraz@usdoj.gov

Dan Himmelfarb
MAYER BROWN LLP
1909 K Street, N.W.
Washington, DC 20006-1101

United States Marshal
46 East Ohio Street
179 U.S. Courthouse
Indianapolis, IN 46204